

LINCOLN PLANNING BOARD

FEBRUARY 25, 2015

APPROVED

The regular meeting of the Planning Board was held on Wednesday, February 25, 2015, at the Lincoln Town Hall, 100 Old River Road, Lincoln, Rhode Island.

Chairman Bostic called the meeting to order at 7:00 p.m. The following members were present: Kenneth Bostic, Gerald Olean, Michael Reilly, Jeffrey Delgrande and John Hunt. Also in attendance were Town Planner Al Ranaldi, Town Engineer Leslie Quish and Town Solicitor Anthony DeSisto. Russell Hervieux kept the minutes.

The following members were absent from the meeting: William Murphy and Timothy Griffin. Members Griffin and Murphy called in and were excused.

Chairman Bostic advised that five members were present; have quorum.

CONSENT AGENDA

Chairman Bostic reminded members that the consent agenda has two zoning applications and staff reports. A consent agenda is normally voted on in total unless a member motions to remove an

item.

Motion was made by member Olean to accept the consent agenda as presented was seconded by member Reilly. Motion was approved by all members present.

MAJOR SUBDIVISION REVIEW

- a. **Dennell Drive Subdivision AP 42 Lot 10 Preliminary Plan**
Dennell Properties 15 Dennell Drive Discussion/Approval

Mr. Ranaldi stated that this application has been before the Board for a couple of months. The application is under the 2005 subdivision regulations. The application represents the extension of Dennell Drive with the subdivision of one lot into four residential lots. One of the lots has an existing house on it. This is a major subdivision because it requires an extension of the public road. The TRC and the Town have been working with the applicant. All of the engineering concerns have been addressed by the applicant. There are no current concerns regarding the engineering at this time. The Town has a list of waivers that would be required. A waiver for the length of the road is being requested for an additional 7' beyond the regulation.

A waiver, for the cover on the public sewer line, is being requested for 8" less than the regulations call for. The Town Engineer was in agreement with this waiver. The three new lots have a bio-detention drainage depressions along the property lines which is part of the

new RIDEM regulations. These areas are designed to slow the rainwater down and allow it to percolate into the soil. The applicant was careful to install these areas along the property lines to allow homeowners full use of their yards. The TRC recommends that pressure treated bollards be installed at approximately 20' intervals to delineate this drainage system. The TRC also recommends that this application moves to a public hearing in March. Mr. Ranaldi notified the Board that the approved RIDEM plan was received today by the Town for this project. The Town Engineer has reviewed it and there are no changes from the plans before the Board. Member Olean asked if the sizes of the drainage depressions are a standard. Mr. Ranaldi explained that the depressions are sized according to the drainage, i.e.: roof runoff, driveways etc... The size would have to be calculated for each potential lot so there is not a standard. Member Olean felt we should also come up with a standard detail for delineating the edge of these drainage systems.

John Shekarchi, attorney for the applicant, made a brief presentation to the Board. Mr. Shekarchi introduced Richard Bzdyra as the engineer for the applicant. Mr. Shekarchi forwarded the approved RIDEM permit and plan which was approved earlier today. The applicant would request to move to a public hearing at the next available meeting. Mr. Bzdyra stated that all the issues with the Town and RIDEM have been worked out so the engineering is ready to move forward.

Leslie Quish, Town Engineer, had a few comments for the Board. Ms. Quish stated that she has reviewed the permit from RIDEM. One of the conditions of approval is the wet vegetative treatment system gets installed and must be certified by either a land surveyor or professional engineer. This condition should also be included in the Board's condition of approval. The Public Works Director has requested that the sidewalks shown on the plan for one side of the street be removed. There are no sidewalks in the entire existing plat and no plans to add them. Member Olean asked if that request was in writing. Ms. Quish stated that it was not. All requests of this type must be in writing. Ms. Quish further stated that the existing cul-de-sac will be eliminated and some of that property will be transferred to the adjacent property owner. The existing mail boxes, stone pillars and small retaining walls will have to be relocated and repaired. The details of this work must be on a plan which the Town does not have at this point. Chairman Bostic asked if the applicant could provide those details by the next meeting. Mr. Bzdyra stated that he would have something ready by the next meeting for the Board. Attorney Shekarchi stated that the applicant would have no objections to removing the sidewalks as requested by the Public Works Director.

Motion made by member Olean to accept the TRC report and proceed to a preliminary plan public hearing in March. The motion was seconded by member Hunt. Motion was approved by all members present.

MINOR SUBDIVISION REVIEW

a. 55 Wilbur Road Subdivision AP 27 Lot 42 Preliminary Plan

Gale & Joseph Santoro 55 Wilbur Road Discussion/Approval

Mr. Ranaldi stated that he has issued a supplemental TRC report to the Board tonight. The Town has been working with this applicant with some issues. It was found that this application has to be elevated to a major subdivision. The plan is for the subdivision of one lot into two single family house lots. The existing house will remain as is. The proposed new lot would have a smaller house proposed. The applicant's husband has a health issue and in need of a smaller more accessible house. They have a large enough piece of land to split the lot and build such a house. Several different layouts of the subdivision were considered all to avoid any zoning relief required. The plan submitted does meet all of the zoning requirements. There is a deck to the rear of the existing house that will have to be removed. Unfortunately, in order to make the lot meet zoning requirements, a jog to the rear of the new lot was required to meet the 40,000 square foot requirement. The jog would require two waivers from this Board for interior angles over 200 degrees. There are other irregular shaped lots in this area. The TRC and the Town Planner had no issues with this design in this particular application.

The lot does have 40,000 square feet and has public sewer and water available. The drainage will be handled at the building permit stage. There is no extension of any public right-of-way. There is no further engineering required for this application. Therefore the TRC recommends the Board combine master plan review stages and issues a master plan approval with conditions. The applicant could then come back at preliminary plan review stage for a public hearing in March.

John Shekarchi, attorney for the applicant, made a brief presentation to the Board. Mr. Shekarchi stated that this is a straight forward application of one lot subdivision into two lots. Mr. Shekarchi passed the presentation over to the land use expert.

Edward Pimentel, land use expert for the applicant, made a presentation to the Board. Mr. Pimentel stated that he worked with the surveyor to come up with a plan that would not require zoning relief. The applicant also had to consider the lot depth to width ratio. Balancing all the factors the current plan was devised which required two waivers for interior angles. One waiver was required on the new lot and one on the existing house lot. There was no other way around this. There is no way to make the existing house handicap accessible due to its design. It was the applicants wish to design a house that is 100% fully handicap accessible. The applicant did approach the neighbor to attempt to purchase some land to avoid the waivers but was unsuccessful.

Motion made by member Olean to accept the TRC report for master plan approval with the recommendation of approving the two waivers for interior angles. The motion was seconded by member Reilly. Motion was approved by all members present.

GENERAL PLANNING BOARD DISCUSSIONS/INQUIRIES WITH TOWN STAFF

Member Olean asked what the status of Board members that needs to be reappointed by the Town Council. Mr. Ranaldi replied that he supplied a list to the Town Clerk was correct. A mistake was made when the list was forwarded to the Council. All of the data was reviewed to make sure the list information is correct. The corrections will be resubmitted to the Council and should be approved at their next regular meeting.

Chairman Bostic asked about the status of the sewer updates to the regulation namely to do with grinder pumps. Ms. Quish stated that she has been working on the ordinance but does not have anything to provide tonight. The Town is researching what other towns are doing with this issue in their regulations.

Motion made by member Olean to adjourn and was seconded at 7:40 pm by member Reilly. Motion was approved by all members present.

Respectfully submitted,

Russell Hervieux

Attached February TRC Report:

On February 18, 2015 at 3:00 PM, the Technical Review Committee met to review the agenda items for the February 25, 2015 meeting of the Planning Board. In attendance were Al Ranaldi, Leslie Quish, Michael Reilly, Michael Gagnon, Michael Gamage, Peggy Weigner, and Russell Hervieux. Below are the Committee's recommendations.

Major Subdivision Review

a. Dennell Drive Subdivision AP 42 Lot 10 Preliminary Plan Discussion

- Dennell Properties 15 Dennell Drive / Approval

This application is under the 2005 Subdivision Regulations and represents the subdivision of one lot into four residential lots. The proposed project is classified as a major subdivision due to the proposed extension of the existing Dennell Drive right-of-way. The project is in front of the Planning Board at the Preliminary Plan review stage.

On November 10, 2014, the project received a Certificate of Completeness. According to our Subdivision Regulations, the Planning Board shall, within one hundred twenty (120) days of certification of completeness or within such further time as may be consented to by the applicant, approve the preliminary plan as submitted, approve with changes and/or conditions, or deny the applicant, according to the requirements of Section 8. A decision on the preliminary plan review must be made by March 10, 2015, or within such further time as may be consented to by the applicant. During the January 28, 2015 Planning Board meeting, the applicant consented to an additional 90 extension from March 10, 2015 deadline. Therefore, a decision on the preliminary plan review must be made by June 08, 2015, or within such further time as may be consented to by the applicant.

The preliminary plan submission included the following:

- Draft Preliminary Plan AP 42 Lot 10 Dennell Drive Lincoln Rhode Island, Prepared for Harry Zervas, prepared by Ocean State Planners, Inc., dated January 7, 2015 and revised February 13, 2015 (Sheets 2-9).**
- Response to Comments Letters from Ocean State Planners, Inc dated February 10, 2015, January 6, 2015 and from Byron R. Holmes, PE dated December 31, 2014.**
- Drainage System Operation and Maintenance Plan, Dennell Drive, Lincoln Rhode Island.**
- Erosion and Sedimentation Control Plan, Dennell Drive, Lincoln**

Rhode Island

Site Layout

The Technical Review Committee reviewed the project submission against the requirements for a preliminary plan review. The applicant owns a 19 acre +/- parcel of land on which one residential home is located. The zoning district is RA-40. The applicant is proposing to subdivide this lot into a four lot subdivision with the extension of the existing right-of-way (Dennell Drive). The proposed subdivision meets the zoning requirements of the RA-40 zoning district and the submitted plans show the required setbacks for each new lot.

The proposed right-of-way would end in a cul-de-sac. The existing cul-de-sac will be removed and the remaining land will be added to the abutting property owners. The existing right-of-way will be extended from its existing length of 436 feet to a total length of 907 feet. The maximum cul-de-sac length in an RA-40 zone is 900 feet. The applicant has requested a variance. However, a variance is not required; a waiver must be requested from the Planning Board. The TRC recommends approval of this waiver based on the minimal length requested.

The project submission shows a 5 foot sidewalk proposed for northern side of the new right-of-way. All proposed curbing will be granite per the regulations. The cover of the sewer pipe between SMH 1 and SMH 2 is still slightly less than six feet based on the invert and rim elevations provided on Sheet 4. A waiver is requested. The TRC recommends approval of this waiver based on the

recommendation of the Town Engineer.

The Town Engineer reviewed the submitted plans for general conformity with the Town of Lincoln Zoning Ordinance and Land Development and Subdivision Regulations, and the over-all constructability of the development. The following items required by the Land Development and Subdivision Regulations were not provided or need to be revised:

1. Sections 17(A)(2) and 22.D(1)k: Permits by federal and state agencies related to freshwater wetlands must be provided. Ocean State Planners has stated that they are in the permitting process with RIDEM.

2. Section 17(A)(4): Ocean State Planners has stated that copies of all legal documents describing the property, proposed easements and rights-of-way shall be submitted upon RIDEM and Town approval to ensure they include project requirements. Maintenance agreements will also be required. These documents must be recorded prior to recording of the lots.

3. Section 17(D): Proposed arrangements for completion of the required public improvements, including the construction schedule and/or financial guarantees shall be reviewed and conditionally approved by the Planning Board at the preliminary plan approval. Ocean State Planners has stated this requirement will be addressed by the applicant and his attorney.

4. Section 22.D.(1)l: A conceptual electrical plan, showing locations of conduits and street lighting devices, has been provided. Ocean

State Planners has stated that the Utility Company will not provide a plan until the Subdivision has been approved by the Town.

5. Provide design calculations and construction information for the low pressure sewer. Environmental One pumps have been specified. Ocean State Planners has stated that Henry Albro from Environmental-One has been contacted. The plans must also include all applicable details (manhole detail for transition from pressure to gravity sewer, isolation valves/curb stops, lateral connection detail, air release valves, pipe trench, etc.). Include applicable construction notes of the low pressure sewer to ensure it constructed correctly.

6. Provide a detail for the Wet Vegetative Treatment System (WVTS) embankment is required. The detail should specify materials, dimensions, and construction methods. Embankments of this nature typically include an impervious core. The cross section is not sufficient.

All of the above concerns presented by the Town Engineer are minor in nature and will be addressed before the next meeting. At this meeting, the TRC asks the Planning Board to review and consider the requested waivers for approval.

Stormwater Management System

A stormwater management system that will serve the proposed roadway will be located on Lot 3. This stormwater management system shall be designed in accordance with the Land Development and Subdivision Regulations and the December 2010 edition of the

Rhode Island Stormwater Design and Installation Standards Manual. The Drainage System Operation and Maintenance will be the responsibility of a homeowners association.

The applicant is proposing to install a WVTS. This type of stormwater management system is one of the acceptable systems allowed within the current edition of the Rhode Island Stormwater Design and Installation Standards Manual (RISDISM). However, the Town is not familiar with this type of system and would prefer to have the Rhode Island Department of Environmental Management review and approve the system before the Town makes its final recommendation to the Planning Board. Therefore, the TRC recommends that the applicant submits an approved RIDEM permit for the system before the preliminary plan is approved.

Stormwater mitigation for each individual house lot will be addressed by individual bioretention systems along the property lines of each new lot. The length and width of these systems range from 80'x 4" to 200'x 4'. The Technical Review Committee is concerned that future homeowners may not understand the need for this type of system and fill in the depressions. Therefore, the TRC recommends that pressure treated timber post measuring a minimum of 3 feet above grade and a minimum of 4 feet below grade be installed 1 foot in front of the bioretention systems. The posts shall be placed every 20 feet for the length of the system.

A RIPDES permit from the Rhode Island Department of Environmental Management (RIDEM) will be required as a condition of preliminary plan approval. A RIDEM Wetlands Permit or Determination of

Applicability will be required as a condition of preliminary plan approval.

Utilities

Currently, underground public utilities exist within Dennell Drive and are available to the proposed house lots. House lot number 1 has an existing gravity connection to the public sewer system. The applicant is proposing to extend the public gravity sewer line approximately 100 feet down the new roadway extension. A private force main system is proposed for house lot number 2 and 3. Each house will have an individual grinder pump with a force main collection system located outside of the future Town Right of Way. The force main collection system would collect and convey flow into the extended public gravity sewer line via a new manhole. The town will have no responsibilities for this system.

The TRC and the Town acknowledge that this type of sewer system is not common within the town and that the Planning Board may have some reservations about this system. The Town Engineer and Public Works Director did extensive research on the proposed private sewer system. Based on their research, they feel that the force main and individual grinder pump sewer system is a proven system for the removal of residential sewer waste. The Town does not object to the proposed system as conceptually presented, conditioned upon the following stipulations:

- The Town of Lincoln will take no ownership or responsibility for the force main system, including the individual grinder pumps.**

- Complete engineering of the proposed system must be submitted for review by the Town at the preliminary plan phase of review.
- A private line agreement is required for review and approval by the Town.
- All proposed house lots must be created and recorded at the same time; phasing of individual lots will not be permitted. The deed for each lot utilizing the force main system must include appropriate reference to the private line easement benefitting lot #3 running along the frontage of lot #2, and that the Town of Lincoln will take no ownership or responsibility for the force main system, including the individual grinder.
- Notation on the Final Recorded Plan referencing the legal documents associated with the private sewer system.

The Lincoln Water Commission (LWC) has reviewed and granted preliminary approval to their submitted public water system.

Based on the project's submission, the Technical Review Committee feels that the applicant has addressed the majority of the TRC's comments and concerns. The TRC recommends that the application proceed to a preliminary plan public hearing in March.

Minor Subdivision Review

a. 55 Wilbur Road Subdivision AP 27 Lot 43 Preliminary Plan Discussion /

- Gale and Joseph Santoro 55 Wilbur Road Approval

This application is under the 2005 Subdivision Regulations and represents the subdivision of one lot into two single family residential house lots. There is an existing house on the original lot which will remain. The applicant is not requesting any subdivision waivers or zoning variances. This project is classified as a minor subdivision. The project is at the preliminary plan review stage.

On February 18, 2015, the project received a Certificate of Completeness. According to our Subdivision Regulations, the Planning Board shall, within sixty-five (65) days of certification of completeness or within such further time as may be consented to by the applicant, approve the preliminary plan as submitted, approve with changes and/or conditions, or deny the applicant, according to the requirements of Section 8. A decision on the preliminary plan review must be made by April 25, 2015, or within such further time as may be consented to by the applicant.

The preliminary plan submission included the following:

- “Preliminary” Minor Subdivision Lincoln, RI Prepared for Gale L. & Jospeh A Santoro, Class I Survey of AP 27 Lot 43 Wilbur Road RA-40, dated December 29, 2014 and prepared by Marsh & Long Surveying**
- A report entitled; “Town of Lincoln Planning Board Two-Lot Minor Subdivision Analysis, 55 Wilbur Road – Assessor’s Plat 27, Lot 43**

Site Layout

The Technical Review Committee reviewed the project submission.

The original lot is 2.69 acres and zoned RA-40. This lot will be reduced to 77,129 square feet (1.77 acres). The proposed subdivided lot will be 40,000 square feet (0.92 acres) and meets all of the zoning requirements.

While the proposed lot meets the subdivision and zoning regulations, the shape of the lot is odd. The Planning Department and the applicant worked on several layouts. The proposed lot layout is the only acceptable shape that meets all of the Town's regulations. The TRC reviewed lot shapes of the surrounding area. There are numerous odd shape lots in the surrounding area. The TRC included a copy of the assessor's plat map for reference.

Utilities

Public sewer and water are located within Wilbur Road and are available to the proposed house. The exact connection locations will be addressed at the building permit stage. Proposed topography for the new house will be required at the building permit stage. Stormwater management will be required for the new house. The design and type of stormwater management system depends on the size and location of the new house as well as the location and size of the driveway.

Based on the project's submission, the Technical Review Committee feels that the application successfully addresses the requirements set out in the Town's Land Development and Subdivision Regulations. Therefore, the Technical Review Committee

recommends Approval of this minor subdivision. The TRC recommends that the Administrative Officer to the Planning Board be delegated final plan review and approval.

Zoning Applications (*) –March Zoning Applications

Satti Construction, Inc., 681 Paine Road, North Attleboro, MA/Mark Enander, 32 Whipple Road, Lincoln, RI- Application for Dimensional Variance seeking side setback relief for a new home and deck located at 32 Whipple Road, Lincoln, RI.

AP 44, Plat 181 Zoned: RS 20

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application seeking a side yard setback relief for a new home and deck located at 32 Whipple Road, Lincoln, RI. The Technical Review Committee recommends Approval of this application according to the submitted plans and application. According to the submitted application, an engineer made a mistake while staking out the house foundation and did not include the placement of the proposed deck within the building envelope. The site plan shows that the building envelope can accommodate the house and deck if staked out correctly. The Technical Review Committee feels that the applicant presents the least relief needed. The TRC feels that granting the side yard dimensional variance will not impair the intent or purpose of the Zoning Ordinance, nor the Comprehensive Plan.

Crescent Properties, Inc., 22 Bernon Drive, Lincoln, RI - Application for Dimensional Variance seeking side yard setback relief for the construction of an addition onto a house located at 89 Parker Street, Lincoln, RI.

AP 16, Plat 64 Zoned: RL 9

A Class 1 survey of the property was not submitted as part of the application. Therefore, the Technical Review Committee could not make a recommendation based on the limited information provided.

Carl Benevides, 85 Industrial Circle, 15 Moshassuck Road, Lincoln, RI – Application for Special Use Permit to allow a mixture of uses including live/work units for a mill conversion project for property located at 85 Industrial Circle, 15 Moshassuck Road, Lincoln, RI.

AP 2, Lots 88 and 92 Zoned: MG 0.5

The applicant did not submit updated plans. Therefore, the TRC could not review the project. The applicant is going to request that the applicant be continued to the April hearing.

Correspondence/Miscellaneous (*)

a. Staff Reports

Attached TRC Supplemental Report:

This report is to be considered as an amendment to the February 20,

2015 Technical Review Committee's report. Below are the Committee's recommendations.

Major Subdivision Review

a. 55 Wilbur Road Subdivision AP 27 Lot 43 Master Plan Discussion /

- Gale and Joseph Santoro 55 Wilbur Road Approval

This application is under the 2005 Subdivision Regulations and represents the subdivision of one lot into two single family residential house lots. There is an existing house on the original lot which will remain. This project was elevated to a major subdivision due to the need for two subdivision waivers of two interior angles greater than 200-degrees. The two waivers are due to the configuration of the proposed lot. This lot was configured in such a manner to conform to all zoning requirements. The project is being reviewed at the Master Plan review stage.

On February 18, 2015, the project received a Certificate of Completeness. According to our Subdivision Regulations, the Planning Board shall, within one hundred twenty (120) days of certification of completeness or within such further time as may be consented to by the applicant, approve the Master Plan as submitted, approve with changes and/or conditions, or deny the applicant, according to the requirements of Section 8. A decision on the master plan review must be made by June 18, 2015, or within such time as may be consented to by the applicant.

The master plan submission included the following:

- “Preliminary” Minor Subdivision Lincoln, RI Prepared for Gale L. & Joseph A Santoro, Class I Survey of AP 27 Lot 43 Wilbur Road RA-40, dated December 29, 2014 and updated on February 23, 2014. This plan was prepared by Marsh & Long Surveying.**
- A report entitled; “Town of Lincoln Planning Board Two-Lot Minor Subdivision Analysis, 55 Wilbur Road – Assessor’s Plat 27, Lot 43, prepared for Gale L. and Joseph A. Santoro, by Edward Pimentel, 09 February 2015**
- Letter from the Lincoln Water Commission to Joseph and Gale Santoro, 55 Wilbur Road, Lincoln, RI 02865, dated February 20, 2015**

Site Layout

The Technical Review Committee reviewed the project submission. The original lot is 2.69 acres and zoned RA-40. This lot will be reduced to 77,129 square feet (1.77 acres). The proposed subdivided lot will be 40,000 square feet (0.92 acres) and meets all of the zoning requirements.

While the proposed lot meets the zoning regulations, the shape of this lot is odd and contains two interior angles greater than 200-degrees. These two interior angles are considered two subdivision waivers. The Planning Department and the applicant worked on several layouts. The proposed lot layout is the only acceptable shape that meets the Town’s zoning regulations.

The TRC reviewed the shapes of the lots in the surrounding area.

There are numerous odd shape lots in the surrounding area. The TRC included a copy of the assessor's plat map for reference. The TRC also reviewed the requested subdivision waivers against the objective of the applicant, the land development and subdivision regulations, and the requirements set out in the zoning ordinance. The TRC finds that requested waivers are reasonable and within the general purpose and intent of the subdivision regulations. The TRC recommends Approval of the waivers.

The existing house has a wooden deck connecting the house to the above ground pool. Based on the proposed new lot subdivision shape, the deck would require a rear yard setback variance from the zoning ordinance. The applicant will remove the deck in order to propose a subdivision with the least relief required. A note shall be placed on the plans indicating that the wooden deck will be removed as a condition of approval. To ensure complete documentation of the removed deck, the Zoning Official recommends that the applicant take out a building/demolition permit before the deck is removed. This permit will then update the property card.

Utilities

Public sewer and water are located within Wilbur Road and are available to the proposed house lot. The exact connection locations will be addressed at the building permit stage. Proposed topography for the new house will be required at the building permit stage. Stormwater management will be required for the new house. The design and type of stormwater management system depends on the

size and location of the new house as well as the location and size of the driveway. The stormwater management system will be reviewed at the building permit stage.

Based on the project's submission, the Technical Review Committee feels that the application successfully meets the requirements of the Master Plan review stage. No further technical review is needed. If the Planning Board agrees with the proposed waivers and odd shape of the proposed lot, the TRC recommends that the Planning Board combine the Master Plan review stages and issues a Master Plan approval with conditions and advance this application to the Preliminary Plan review stage. The condition of Master Plan approval is that the applicant shall be placed on the plans indicating that the wooden deck will be removed as a condition of approval. Since the application does not need further technical review, the TRC recommends that the applicant proceed directly to a preliminary plan - public hearing. An abutters' list will be required.